

Application No.: 10/577,999  
Art Unit: 2622

Amendment under 37 CFR §1.116  
Attorney Docket No.: 062489

### **REMARKS**

Please reconsider the application in view of the foregoing amendments and the following remarks.

### **Status of Claims**

Claims 1-8 are pending in the present application. Claim 1 is herein amended. No new matter has been entered.

### **As to the Merits**

As to the merits of this case, the Examiner sets forth the following rejections:

Claims 1-3 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoshino** (US 2004/0044428) in view of **Asada** (JP 02-146660).

Claims 4 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoshino** (US 2004/0044428) in view of **Asada** (JP 02-146660) in view of **Kuriyama** (JP 09-149157).

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoshino** (US 2004/0044428) in view of **Asada** (JP 02-146660) in view of **Nakada** (JP 2003-14697).

Each of these rejections is respectfully traversed.

**Claim Rejections - 35 U.S.C. §103**

**Independent Claims 1, 5 and 7**

A prima facie case of obviousness requires that the combination of the cited prior art, coupled with the general knowledge in the field, must provide all of the elements of the claimed invention.

Claim 1, as amended, is drawn to at least ... *a second processor unit for deactivating said first controller unit from executing the process corresponding to the output of the sensor unit for a predetermined period of time from said key operation based on the output from said first processor unit, said predetermined period of time is a time for detecting the key operation comprising the time between when a key is operated and when the key is non-operated.*

Claim 5 is drawn to ... *a first change means for changing a setting state of said sound effect output means between an active state and an inactive state ....*

Claim 7 is drawn to ... *a first change means for changing a setting state of said first process means between an active state and an inactive state ....*

For example, as noted on page 9, lines 4-17 of the present specification, “[t]he operation of the main microcomputer 42 is described with reference to Figure 2. When the sound control mode setting button 52b is operated and the digital still camera 101 is set in the sound control mode, **the press of the shutter button 52a is firstly detected and then the release of the button is detected on the basis of information from the sub microcomputer 46 (S1, S3). When the release of the button has been detected, after a waiting time of one second, sound detection function of the main microcomputer 42 is activated to start the detection of a sound input from the microphone 40 (S5, S7).** Waiting for one second in a step S5 is intended to prevent the main microcomputer 42 from detecting the sound of press of the shutter button 52a by its sound detection function and causing a malfunction due to that. **The waiting time is a time between the instant when the shutter button 52a was pressed and the instant when sound of press of the shutter button 52a has exerted no effect on operation,** and is set as appropriate according to the structural features of the digital still camera 101 including the shape of the shutter button 52a and the attachment position of the microphone 40, etc.” (emphasis added).

On page 4, lines 1-2 of the Final Office Action, it is acknowledged that Yoshino does not disclose a first process means and restricting means as claimed. Also, on page 2, items 1-3 of the Final Office Action, it is also acknowledged the ~~Yoshino~~ [Asada] does not disclose a processor for terminating [deactivating] a processing operation.

Nonetheless, it is alleged that terminating [deactivating] is not recited in the claim and “restricting a processing operation” reads on attenuation feature disclosed in Asada. That is, the term “terminating” or [deactivating] is not equivalent to the recited term “restricting.” **Also**, it is alleged that the claims as written do not place any limitations on how the predetermined time period is set. Accordingly, Applicant herein amends claim 1 to further define these features and overcome the rejection.

In view of the amendment to claim 1, Applicant respectfully submits that neither Yoshino nor Asada, alone or in combination, disclose *a second processor unit for deactivating said first controller unit from executing the process corresponding to the output of the sensor unit for a predetermined period of time from said key operation based on the output from said first processor unit, said predetermined period of time is a time for detecting the key operation comprising the time between when a key is operated and when the key is non-operated* as recited in amended claim 1.

Also, Applicant submits that claims 5 and 7 recite features that are similar to claim 1 and also not disclosed in the cited references of Yoshino and Asada.

Moreover, as to the Examiner’s contention, -- on page 2, item 1, lines 7-8 of the Final Office Action -- regarding claims 5 and 7, it is respectfully submitted that the Examiner erroneously merges the features of “a third processor ...” with the features of “a second

processor ...” as recited in claims 5 and 7. That is, in lines 7-8, the Examiner writes “claim 5 requires "changing a detection characteristic" and claim 7 requires "changing an output characteristic” both of these features relate to a third processor in claims 5 and 7 respectively.

Applicant respectfully points out the distinctions of claims 1, 5 and 7 as follows:

For example, the recitation of claim 1 and 7 are directed to the sound detection function of the main microcomputer 42, i.e., when the sound detection function of the main computer 42 is deactivated, it stops the detection of sound input from the microphone 40 (see Figs. 1 and 2 and page 9 of the present specification). Also, the recitation of claim 5 is directed to the sound detection function of the main microcomputer 42, i.e., an operating sound off mode is set when no operating sound is generated by the speaker 58 (sound effect output unit) and an operating sound generation mode is set wherein the detection characteristics cuts off a high-frequency component as a main component of an operating sound emitted from the speaker 58 (see Fig. 7, S117, S119 and corresponding description in the present specification).

Therefore, similar to claim 1, claim 7 recites feature of a processor unit that terminates (render active state inactive) a processing operation namely deactivating the sound detection function to stop detection of sound input from the microphone whereas claim 5 recites similar limitations directed to the speaker.

**Importantly, however,** as discussed in previous response, the cited reference of *Asada* discloses that the input voice signal from microphone 7 is directly sent to voice recognition part 9 except, during the time when the system is experiencing synthesized sound other than the operator's voice, **the input voice signal is attenuated by a specific quantity before sending to voice recognition part 9. By attenuating the voice signal (that is, by lowering the power at which the signal is transmitted), the misrecognition between a synthesized sound and a voice signal (operator's voice) is prevented (Drawing 1 and Abstract).** Also, it should be noted that in *Asada* the voice signal is only attenuated; it is never deactivated. However, as the applicants have noted on page 1, lines 20-23 of the present specification, this type of system where signal is merely changes in power level may still have drawbacks when it comes to distinguishing between voice signal and other environmental noises and may still cause malfunction.

**In contrast,** in the claimed invention, the mechanical noises due to operation such as shutter opening and closing is eliminated by detecting the operation of shutter button either by activating or deactivating the sound detection control for a predetermined time such as waiting for one second. For example, when the release of the shutter button is detected, a wait of one second (predetermined time) is observed by the apparatus before the sound detection function of the main microcomputer is activated to start the detection of a sound input from the microphone. This waiting for one second prevents the main microcomputer from detecting the sound of press of the shutter button by its sound detection function and causing a malfunction due to that sound.

It is further reiterated that *Yoshino* is not a relevant reference because it concerns with shutter self timer, i.e., the shutter can be released by a self timer, effect sounds such as “say cheese” and NOT with the predetermined time such as one second that is used for restricting the output from the detection means such as a microphone.

Therefore, it is respectfully submitted that neither *Yoshino* nor *Asada* disclose at least the second processor as recited in claims 1, 5 and 7.

Because the proposed combination of the afore-cited references does not teach or suggest all of the claimed elements and limitations in claims 1, 5 and 7, Applicant submits that claims 1-8 would not have been obvious over these references and, accordingly, requests that the rejection under 35 U.S.C. 103 be withdrawn.

### **Conclusion**

The Claims as amended have been shown to be allowable over the prior art. Applicant believes that this paper is responsive to each and every ground of rejection cited in the Office Action dated May 13, 2009, and respectfully request favorable action in this application. The Examiner is invited to telephone the undersigned, applicants’ attorney of record, to facilitate advancement of the present application.

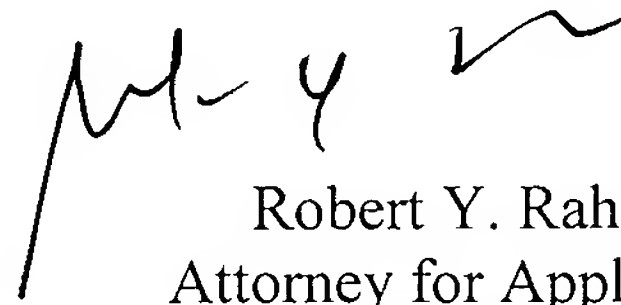
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If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read 'R. Y. Raheja', with a stylized flourish at the end.

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